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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,028	08/28/2003	Richard Mark Exley	OIC0107US	1558
60975	7590	04/04/2007		
CSA LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			EXAMINER NGUYEN, VAN H	
			ART UNIT	PAPER NUMBER
			2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/653,028

Applicant(s)

EXLEY ET AL.

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the amendment filed 01/08/2007.

Claims 42-58 are currently pending in this application. Claims 1-41 have been cancelled.

New claims 42-48 have been added.

Claim Objections

2. Claims 46, 54, and 58 are objected to because of the following informalities:
 - “The architecture” (claims 46 and 54) should read “The system”
 - “The method of claim 47” (claims 58) should read “The method of claim 55”.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 47-50 and 55-58 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in

regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claims is not a useful, concrete and tangible result.

Claims 42-46 and 51-54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite “a system” in the preamble only, the body of the claims merely contains software components. Therefore, the claims are software per se and are not tangibly embodied and not a “system”.

Claims which are broad enough to read on statutory subject matter or on non-statutory subject matter are considered non-statutory. Cf. In re Lintner, 458 F.2d 1013, 1015, 173 USPQ 560, 562 (CCPA 1972) (“Claims which are broad enough to read on obvious subject matter are unpatentable even though they also read on nonobvious subject matter.”) During prosecution, applicant can amend to limit the claims to statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

Claims 42-58 are rejected under 35 U.S.C. 102(e) as being anticipated by **Upton** (Pub.

No. US 2003/0105884).

As to claim 42:

Upton teaches the invention as claimed including a system comprising: a process executing on one or more computer systems; a common service interface in data communication with the process, wherein the common service interface enables communication between the process and any customer relationship management application (§§ 0030-0039 and 0133-0147; see also Figs. 1-2 and the associated text).

As to claim 43:

Upton teaches the common service interface is configured to operate in a first and second integration environment (§§ 0025-0027 and 0035-0044; and 0141-0147).

As to claim 44:

Upton teaches the first and second integration environments are provided by first and second integration servers (§§ 0025-0027 and 0035-0044; and 0141-0147).

As to claim 45:

Upton teaches a second common interface in data communication with the process, wherein the second common service interface enables communication between the process and any employee relationship management application (¶¶0030-0039 and 0133-0147).

As to claim 46:

Upton teaches first and second application service interfaces in data communication with the common service interface, first and second CRM applications in data communication with the first and second common service interfaces, respectively, wherein the first and second CRM applications are provided by first and second vendors, respectively (¶¶0030-0039 and 0133-0147).

As to claim 47:

Upton teaches a customer relationship management application communicating with a process executing on a computer system via a common service interface; wherein the common service interface enables communication between any application and the process (¶¶0030-0039 and 0133-0147; see also Figs.1-2 and the associated text).

As to claim 48:

Upton teaches the common service interface is defined using Web Service Definition Language (¶¶0134-0137).

As to claim 49:

Upton teaches an act of mapping identifiers from different CRM applications for the same information to a common identifier (§§0151-0155).

As to claim 50:

Upton teaches providing definitions of common objects that are used by the process (§§0035, 0058, and 0134-0137).

As to claim 51:

Upton teaches a process executing on one or more computer systems; a common service interface in data communication with the process, wherein the common service interface enables communication between the process and any employee relationship management application (§§0030-0039 and 0133-0147; see also Figs.1-2 and the associated text).

As to claims 52-53:

Refer to claims 43-44, respectively, for rejections.

As to claim 54:

Upton teaches first and second application service interfaces in data communication with the common service interface, first and second ERM applications in data communication with the first and second common service interfaces, respectively, wherein the first and

second ERM applications are provided by first and second vendors, respectively (¶¶0030-0039 and 0133-0147).

As to claim 55:

Upton teaches a employee relationship management (ERM) application communicating with a process executing on a computer system via a common service interface; wherein the common service interface enables communication between any ERM application and the process (¶¶0030-0039 and 0133-0147; see also Figs.1-2 and the associated text).

As to claims 56-58:

Refer to claims 48-50, respectively, for rejections.

Response to Arguments

4. Applicant's arguments filed 01/08/2007 have been fully considered but they are not persuasive.

Conclusion

5. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified

reference carefully before responding to this office action to properly advance the case in light of the prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

6. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM 6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or

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proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents

P O Box 1450

Alexandria, VA 22313-1450

A handwritten signature in cursive script, reading "Van H. Nguyen", with a long horizontal flourish extending to the left.

Van H. Nguyen

Patent Examiner, AU 2194